
City of Reading City Council

Regular Meeting Monday, November 10, 2008

A regular meeting of City Council was held on the above date for the transaction of general business.

Vaughn D. Spencer, President of Council, called the meeting to order.

The invocation was given by Pastor Steve Elmarzouky, from the Islamic Center of Reading

All present pledged to the flag.

ATTENDANCE

Council President Spencer
Councilor Fuhs, District 1
Councilor Goodman-Hinnershitz, District 2
Councilor Sterner, District 3
Councilor Marmarou, District 4
Councilor Baez, District 5
Mayor T. McMahon
City Auditor D. Cituk
City Solicitor C. Younger
City Clerk L. Kelleher
Public Works Director C. Jones
Sgt at Arms Capt R. Shafer

PROCLAMATIONS AND PRESENTATIONS

City Council issued a commendation in honor of Veteran's Day accepted by the Combined Veteran's Council.

PUBLIC COMMENT

Council President Spencer announced that 2 citizens were registered to address Council on non-agenda matters. He inquired if Council objected to suspending

the rule requiring comment on non-agenda matters at the end of the meeting. No one objected, therefore, the rule requiring non-agenda comment at the end of the meeting was suspended.

Council President Spencer reminded those registered to speak about the remaining speaking rules.

Rachael Bashore, President of the Greater Reading Young Professionals Association, explained that this group was formed to encourage young professionals to work and live in the Reading area. She stated that this organization supports the Riverview Project and the PRD as they believe this project will offer a recreational, shopping, dining, and living atmosphere that will attract young adults.

Managing Director Hottenstein arrived at this time.

Terry Mc Kim, of the Greater Young Professionals Association, also expressed support for the Riverview Development as it will bring new excitement to the area and inspire people to relocate within the City limits.

APPROVAL OF AGENDA AND MINUTES

Council President Spencer asked Council to consider the agenda for this meeting and the minutes from the October 13th and the October 27th Regular Meetings of Council. Council President Spencer noted the need to add to pieces of legislation to the agenda; first an Ordinance to be introduced that will amend the graffiti ordinance by allowing citation to parents and minors and second amendments to the 2009 General Fund Budget. Council President Spencer stated that there are two items under the Consent Agenda heading that will be adopted on approval of the agenda.

Councilor Baez moved, seconded by Councilor Sterner, to approve the agenda as amended, the legislation listed under the Consent Agenda heading and minutes from the October 13th and October 27th Regular Meeting of Council. The motion was approved unanimously.

CONSENT AGENDA

Resolution 114-2008 – sewage module for Alvernia South Campus Development (Public Works)

Resolution 115-2008 – sewage module for Muner Yacoub, development in the 600 block of Linden St (**Public Works**)

ADMINISTRATIVE REPORT

Mayor McMahon highlighted the report distributed to Council at the meeting covering the following:

- Installation of the downtown security cameras
- Centre Park Historic House Tour scheduled for Sunday December 14th.
- Hanging of Greens in Downtown Reading scheduled for Saturday November 15th

Mayor McMahon stated that Bill 63 pertaining to stolen firearms will remain pending to allow further discussion on the effect of the Ordinance.

Councilor Goodman-Hinnershitz announced that the National Dog Show will occur at the Greater Reading Expo Center on Saturday November 22nd.

AUDITOR'S REPORT

City Auditor Dave Cituk read the report distributed to Council at the meeting covering the following topics:

- Collection of the Liquid Fuels Funds
- Collection of payment in lieu of taxes
- Collection of the cable franchise fees

City Auditor Cituk stated that he has also provided his comments on the proposed 2009 General Fund Budget as required by Charter.

Council President Spencer reminded City Auditor Cituk of City Council's request to him regarding reports on the City's Capital projects. City Auditor Cituk questioned the requests. City Clerk L. Kelleher explained that the Charter requires quarterly reporting on all ongoing Capital Projects with final audit inclusion of the project.

ORDINANCES FOR FINAL PASSAGE

Bill No 71-2008 – Amending the City of Reading Codified Ordinances Chapter 15 Parking Meters, Section 15-517 (2) Notice of Violation; Penalty; Waiver by increasing the fine to \$15 and \$30 after 10 days but within 20 days of the violation **(Parking Authority)** *Introduced at the October 27 regular meeting*

Councilor Marmarou moved, seconded by Councilor Baez, to enact Bill 71-2008.

Council President Spencer explained that the Parking Authority recently concluded a study of its facilities and revenues. The report suggested increasing a number of fines and fees. The parking meter fine and the fine for parking illegally in a handicapped area need Council's approval.

Bill 71-2008 was enacted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Spencer President – 6.

Nay: None – 0.

Bill No 72-2008 – Amending the City of Reading Codified Ordinances Chapter 15 Parking Meters, Section 15-416 Notice of Violation; Waiver by increasing the fine for parking at handicapped areas to \$125 and \$200 after 10 days but within 20 days of the violation **(Parking Authority)** *Introduced at the October 27 regular meeting*

Councilor Goodman-Hinnershitz moved, seconded by Councilor Sterner, to enact Bill 72-2008.

Council President Spencer stated that this increases the fine for those parking in handicapped spaces without the proper tags. He noted that the Parking Authority's study suggested increasing this fine up to \$250 which is charged by other Berks County Communities. He noted that the Parking Authority requested increasing the fine to only \$125.

Councilor Marmarou noted that the Pennsylvania Statute also allows for towing of cars parked illegally in handicapped areas.

Bill 72-2008 was enacted by the following vote:

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Spencer
President – 6.**

Nay: None – 0.

Ordinance- Establishing the General Fund Budget for the City of Reading including revenues and expenses for the fiscal year beginning January, 1 2009 and ending December 31, 2009. Introduced at Special Mtg 10-1-08

Amendments to the 2009 General Fund Budget were introduced at this meeting.

Ordinance- Establishing the Capital Improvement Program Budget for the City of Reading including revenues and Capital expenditures for the fiscal year beginning January 1, 2009 and ending December 31, 2009 Introduced at Special Mtg 10-1-08

Ordinance- Establishing the Full-Time Employee positions & salaries for the City of Reading for the fiscal year 2009. Introduced at Special Mtg 10-1-08

Ordinance- Levying the real estate taxes for the fiscal year beginning the first day of January 2009 and ending the thirty-first day of December 2009 Introduced at Special Mtg 10-1-08

Ordinance- Increasing the Earned Income Tax to 1.4 mils Introduced at Special Mtg 10-1-08

INTRODUCTION OF NEW ORDINANCES

Council President Spencer read the following Ordinances into the record:

Ordinance – incurring debt under the Debt Act as lease rental debt to be evidenced by a guaranty agreement of the City securing the guaranteed parking revenue note – series of 2008 to be issued by Reading Parking Authority to finance a portion of the Convention Center Hotel Parking Garage (**Parking Authority**)

Ordinance- amending the graffiti ordinance to allow citation of parents/guardians and minor children.

RESOLUTIONS

Resolution 110-2008 – directing the Administration to withhold from draining Bernhart’s Lake as requested by the Pa DEP due to the unremediated contamination of this property **(Council Staff) Tabled at the October 27th meeting**

Councilor Goodman-Hinnershitz moved, seconded by Councilor Marmarou, to table Resolution 110-2008.

A motion to table Resolution 110-2008 was not adopted by the following vote.

Yea: Goodman-Hinnershitz, Marmarou, Spencer President – 3.

Nay: Baez, Fuhs Sterner – 3.

Councilor Fuhs moved, seconded by Councilor Baez, to adopt Resolution 110-2008.

Councilor Goodman-Hinnershitz expressed concern that the drained lake will provide greater public access to severely polluted areas of the park. She noted the receipt of memorandum from the Public Works Director and City Engineer concerning the potential damage to the dam breast. Assessment of the dam breast can only be obtained if the lake is drained.

Councilor Fuhs expressed the belief that the Public Safety concerns caused by the faulty dam breast are larger than those caused through the contamination of the park property.

Councilor Goodman-Hinnershitz countered that draining the lake will increase public access to the most highly contaminated areas of the park. She stated that although people believe this park is not highly used there is great evidence of public use throughout the park.

Public Works Director C. Jones stated that the DEP is suspicious that the dam breast is leaking. He stated that draining the lake will allow an inspection of the

dam breast and allow consideration of the necessary repairs. He stated that although the City is concerned with the unremediated contamination the EPA has assured the City that the bed of the lake is not contaminated.

City Clerk Kelleher countered that although the dam bed is not highly contaminated the access to the highly contaminated areas of the park will be more increased when the lake is drained.

Council President Spencer asked Public Works Director C. Jones if he believes the dam breast is leaking. Public Works Director Jones replied affirmatively. Council President Spencer asked Public Works Director Jones how long it will take to drain the lake. Public Works Director Jones stated that it will not take much time to drain the lake. He stated that the City has already retained Gannet Flemming to advise and assist with this process. He stated that Gannet Flemming also assisted the City when Angelica Dam was breached.

Council President Spencer asked Public Works Director Jones when the lake will be drained. Mr. Jones replied that it is unknown.

Councilor Goodman-Hinnershitz noted the need to consider fencing of the property to protect the highly contaminated areas. Public Works Director Jones agreed.

Councilor Marmarou if the DEP will recheck the contamination level of the lake bed when the lake is drained. Public Works Director Jones stated that the DEP will only check the condition of the dam.

Councilor Goodman-Hinnershitz noted the move across the nation to remove dams. She noted the history and beauty of the lake and the park.

Resolution 110-2008 was not adopted by the following vote.

Yea: None– 0.

**Nay: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner,
Spencer-President – 6.**

Resolution 116-2008 - authorizing submission of the FFY 2009 CDBG action plan and the FFY 2009 to FFY 2013 five year Consolidated Plan to the United

States Department of Housing and Urban Development (**Community Development**)

Councilor Marmarou moved, seconded by Councilor Fuhs, to adopt Resolution 116-2008.

Managing Director Hottenstein stated that HUD requires annual CDBG Action Plan to be approved by the governing body by Nov. 15th. He stated that this action will also approve the 5 year consolidated plan previously reviewed by Council. He noted the City's improvement in spending budgeted HUD dollars.

Resolution 116-2008 was adopted by the following vote.

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Spencer-President – 6.

Nay: None - 0

COUNCIL COMMENT

Councilor Baez thanked all who volunteered on Election Day.

Councilor Baez thanked the Public Works Department for installing a No Parking sign on Colombia Ave. as requested by a City business.

Councilor Baez also noted receiving a request for the installation of the street light at 2nd & Greenwich Street. She stated that this request was made before and asked Public Works Director to provide information on when the light will be installed.

Councilor Baez announced the upcoming Dare to Care meeting at the Bethel AME Church.

Councilor Marmarou announced the upcoming College Heights Community Council meeting and Christmas Party on December 14th at Nativity Lutheran Church.

Councilor Marmarou noted the great Election Day turnout and thanked all those who exercised their right to vote.

Councilor Goodman-Hinnershitz thanked the Board of Elections and the Elections Office for their work to make Election Day successful. She noted the excitement of those who voted. She also thanked those who volunteered by working at the polls.

Councilor Goodman-Hinnershitz described the Halloween events hosted by community groups in southeast Reading.

Councilor Goodman-Hinnershitz noted the importance of reviewing and discussing the PRD overlay as this Ordinance will define the development of the Riverfront Area in southwest Reading.

Councilor Sterner noted his belief in the proper redevelopment of Southwest Reading and agreed that the PRD Ordinance must be reviewed and discussed before action is taken.

Councilor Sterner noted the upcoming Christmas Light attraction at Hillside Playground.

Council President Spencer congratulated all those who voted and asked that they stay involved and continue to exercise their right to vote. He noted that voter turnout is generally higher during Presidential and Gubernatorial Elections. He noted the need for strong voter turnout when local municipal officials are elected.

Council President Spencer noted the need for Council to carefully consider the Riverview Project and PRD. He stated that Council is not being obstructive but just exercising good due diligence to protect the taxpayers interest.

Mayor McMahon noted a complaint filed with the Elections Office regarding precinct workers demonstrating appreciation to first time voters. He noted the importance of encouraging first time voters and congratulated the workers at this precinct for showing that appreciation.

Council President Spencer reviewed Council's schedule for the next two weeks.

Councilor Marmarou moved, seconded by Councilor Baez, to adjourn the regular meeting of Council.

Linda Kelleher
City Clerk